



**UNITED STATES PATENT AND TRADEMARK OFFICE**

**UNITED STATES DEPARTMENT OF COMMERCE**  
**United States Patent and Trademark Office**  
**Address: COMMISSIONER FOR PATENTS**  
**P.O. Box 1450**  
**Alexandria, Virginia 22313-1450**  
**www.uspto.gov**

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/763,845	02/27/2001	Christoph Herrmann	PHD 99,088	5206
24737	7590	05/02/2006	EXAMINER	
PHILIPS INTELLECTUAL PROPERTY & STANDARDS			AHN, SAM K	
P.O. BOX 3001			ART UNIT	
BRIARCLIFF MANOR, NY 10510			PAPER NUMBER	
2611				

DATE MAILED: 05/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.



Commissioner for Patents  
 United States Patent and Trademark Office  
 Washington, D.C. 20231  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NUMBER

FILING DATE

FIRST NAMED APPLICANT

ATTY. DOCKET NO./TITLE

09/763,893

## DATE MAILED:

## NOTICE OF IMPROPER REQUEST FOR CONTINUED EXAMINATION (RCE)

The request for continued examination (RCE) under 37 CFR 1.114 filed on 4/28/06 is improper for reason(s) indicated below:

- 1. Continued examination under 37 CFR 1.114 does not apply to an application for a design patent. Applicant may wish to consider filing a continuing application under 37 CFR 1.53(b) or a CPA under 37 CFR 1.53(d).
- 2. Continued examination under 37 CFR 1.114 does not apply to an application that was filed before June 8, 1995. Applicant may wish to consider filing a continuing application under 37 CFR 1.53(b) or a CPA under 37 CFR 1.53(d).
- 3. Continued examination under 37 CFR 1.114 does not apply to an application unless prosecution in the application is closed. If the RCE was accompanied by a reply to a non-final Office action, the reply will be entered and considered under 37 CFR 1.111. If the RCE was not accompanied by a reply, the time period set forth in the last Office action continues to run from the mailing date of that action.
- 4. The request was not filed before payment of the issue fee, and no petition under 37 CFR 1.313 was granted. If this application has not yet issued as a patent, applicant may wish to consider filing either a petition under 37 CFR 1.313 to withdraw this application from issue, or a continuing application under 37 CFR 1.53(b).
- 5. The request was not filed before abandonment of the application. The application was abandoned, or proceedings terminated on 4/24/06. Applicant may wish to consider filing a petition under 37 CFR 1.137 to revive this abandoned application.
- 6. The request was not accompanied by the fee set forth in 37 CFR 1.17(e) as required by 37 CFR 1.114. Since the application is not under appeal, the time period set forth in the final Office action or notice of allowance continues to run from the mailing date of that action or notice.
- 7. The request was not accompanied by a submission as required by 37 CFR 1.114. Since the application is not under appeal, the time period set forth in the final Office action or notice of allowance continues to run from the mailing date of that action or notice.

Note: If a request for a continued prosecution application (CPA) under 37 CFR 1.53(d) has been filed in the utility or plant application (including a previously filed CPA) that was filed on or after May 29, 2000, the request for a CPA has been treated as a RCE because the CPA practice no longer applies to such application. The constructive RCE, however, is improper for reason(s) indicated above.

**A copy of this notice MUST be returned with any reply.**

Direct the reply and any questions about this notice to:

Tomey S. Herbertinske, Examining Group 2611

(703) 30 \_\_\_\_\_  
 FORM PTO-2051 (Rev. 3/2001)

RECEIVED  
CENTRAL FAX CENTER

MAY 10 2006

LAW OFFICES OF  
**FAY KAPLUN & MARCIN, LLP**  
INTELLECTUAL PROPERTY LAW

150 BROADWAY, SUITE 702  
NEW YORK, NEW YORK 10038  
PHONE: (212) 619-6000  
FAX : (212) 208-6819  
WWW.FKMIPLAW.COM

**FACSIMILE COVER SHEET**

**FAX NO** : 571-273-8300  
**TO** : Commissioner for Patents  
Mail Stop: Petition  
**FROM** : Oleg F. Kaplun, Esq.  
**DATE** : May 10, 2006  
**SUBJECT** : U.S. Patent Appln. Serial No. 09/763,845  
for *Wireless Network for Requesting a Contention Channel*  
Phillips Ref.: D 099088

**NUMBER OF PAGES INCLUDING COVER :**

**MESSAGE:**

Please see attached.

Thank you.

**IF ANY PAGES WERE NOT RECEIVED OR ARE ILLEGIBLE, PLEASE CALL (212) 619-6000 AS SOON AS POSSIBLE**  
The information contained in this facsimile message is attorney privileged and confidential information intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient or the employee or agent responsible to deliver it to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us by telephone, and return the original message to us at the above address via the U.S. Postal Service. We will reimburse any costs you incur in notifying us and returning the message to us. Thank you.

Attorney Docket : D 099088

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Inventor(s) : Hermann et al.

**RECEIVED  
CENTRAL FAX CENTER**

Serial No. : 09/763,845

**MAY 10 2006**

Filing Date : February 27, 2001

For : Wireless Network for Requesting a Contention Channel

Group Art Unit : 2637

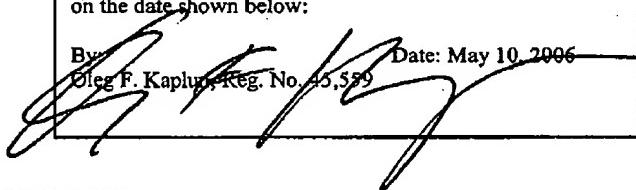
Examiner : Sam K. Ahn

Mail Stop: Petition  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

**Certificate of Facsimile Transmission Under 37 CFR 1.8**I hereby certify that his paper is being facsimile transmitted  
to the:

Mail Stop: Petition  
 Commissioner for Patents  
 Alexandria, VA 22313-1450  
 Fax (571) 273-8300

on the date shown below:

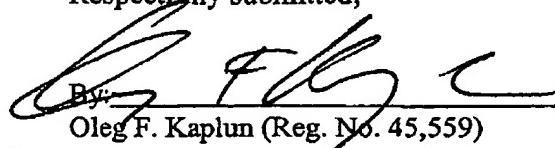
By:   
 Oleg F. Kaplun, Reg. No. 45,559

Date: May 10, 2006

**TRANSMITTAL**

In response to the Notice of Abandonment mailed on May 1, 2006, transmitted herewith  
 please find a Petition to Revive and an Amendment for filing in the above-identified application.  
 Please charge the Credit Card of Fay Kaplun & Marcin, LLP in the amount of \$1,500.00. The  
 Commissioner is hereby authorized to charge any additional fees to the Deposit Account of Fay  
 Kaplun & Marcin, LLP No. 50-1492. A copy of this paper is enclosed for that purpose.

Respectfully submitted,



By:  
 Oleg F. Kaplun (Reg. No. 45,559)

Dated: May 10, 2006

Attorney Docket : D 099088

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Inventor(s) : Hermann et al.

Serial No. : 09/763,845

RECEIVED  
CENTRAL FAX CENTER

Filing Date : February 27, 2001

MAY 10 2006

For : Wireless Network for Requesting a Contention Channel

Group Art Unit : 2637

Examiner : Sam K. Ahn

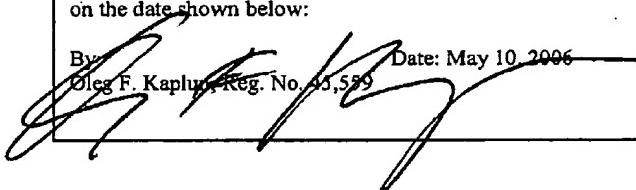
Mail Stop: Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**Certificate of Facsimile Transmission Under 37 CFR 1.8**

I hereby certify that his paper is being facsimile transmitted  
to the:

Mail Stop: Petition  
Commissioner for Patents  
Alexandria, VA 22313-1450  
Fax (571) 273-8300

on the date shown below:

By:  Date: May 10, 2006  
Oleg F. Kaplun, Reg. No. 45,559

**TRANSMITTAL**

In response to the Notice of Abandonment mailed on May 1, 2006, transmitted herewith  
please find a Petition to Revive and an Amendment for filing in the above-identified application.  
Please charge the Credit Card of Fay Kaplun & Marcin, LLP in the amount of \$1,500.00. The  
Commissioner is hereby authorized to charge any additional fees to the Deposit Account of Fay  
Kaplun & Marcin, LLP No. 50-1492. A copy of this paper is enclosed for that purpose.

Respectfully submitted,

Dated: May 10, 2006

  
By:   
Oleg F. Kaplun (Reg. No. 45,559)